



William Donohue
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May 22, 2020

LETTER OF UNDERTAKING

Clerk of Court
United States District Court
Western District of Louisiana
800 Lafayette Street
Lafayette, LA 70501

Re: In the Matter of the Complaint of B&J, Inc. as owner and operator of M/V ZOIE,
petitioning for exoneration from or limitation of liability

Dear Sirs:

On or about December 27 to 28, 2019, the M/V ZOIE, owned by B&J, Inc., and being operated by a crew employed by B&J, Inc. navigated from Vinton, Louisiana to Cameron, Louisiana with two barges DH 9532 and M 868 and with their deck cargo of concrete pilings. On or about January 2, 2020, the barge took on water and listed or sank causing damages to the barges, loss of the cargo and damage to a derrick barge SEATTLE. It is anticipated there will be claims for damages as a result of that voyage and/or the January 2, 2020 occurrence. B&J, Inc. as owner and operator of the M/V MISS DEBBIE has elected to file an action for exoneration from or limitation of liability in connection with this incident more particularly described in the Complaint on file herein, as required by 46 U.S.C. § 30501 et seq. In order to file such action for exoneration from or limitation of liability, as required by 46 U.S.C. § 30501 et seq., the undersigned duly authorized representative of Mitsui Sumitomo Insurance USA, Inc., as the insurer of B&J, Inc. and the M/V ZOIE, agrees to the following undertaking:

1. To file or cause to be filed in connection with the above-described incident an action for exoneration from or limitation of liability in a United States District Court of competent jurisdiction and venue on behalf of the owner and operator of the M/V ZOIE.
2. Upon demand, Mitsui Sumitomo Insurance USA, Inc. shall, in accordance with and strictly subject to the terms, conditions and limits of its insurance policy, cause to be filed in said action, a surety bond or other security acceptable to the Court, in the amount of ONE HUNDRED EIGHTY THREE THOUSAND EIGHT HUNDRED AND NO/100 (\$183,800.00) DOLLARS, with interest at six percent (6%), to satisfy all statutory requirements in said action described in Paragraph 1 above. In the event that such bond or other security referred to in this paragraph is filed, the undersigned insurer shall have no further obligation under this Letter of Undertaking.
3. In the event a final decree (after appeal, if any) is entered against the owner of the M/V ZOIE as a result of claims arising out of the above-described incident, the undersigned insurer agrees to pay and satisfy, up to and not exceeding the total sum of ONE HUNDRED EIGHTY

Mitsui Sumitomo Marine Management (U.S.A.), Inc., for
Mitsui Sumitomo Insurance USA Inc.
Mitsui Sumitomo Insurance Company of America
MSIG Specialty Insurance USA Inc.
P.O. Box 61000, Newark, NJ 07101
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THREE THOUSAND EIGHT HUNDRED AND NO/100 (\$183,800.00) DOLLARS, with interest at six percent (6%), or any lesser amount decreed by the Court or settled between the parties, where said settlement has been made with the approval of the undersigned insurer, without any final decree being rendered and recorded.

4. This letter is to be binding whether the M/V ZOIE is lost at sea or not lost, in port or not in port, and is given without prejudice to any rights or defenses which the M/V ZOIE and/or her owner and/or operators and/or insurers may have under any applicable law or statute, none of which are to be regarded as waived. The giving of this Letter of Undertaking is not to be deemed or taken to be or accepted as an admission of liability on behalf of the M/V ZOIE and/or her owner or operator and/or those interested in her.

5. The execution of this letter by Mitsui Sumitomo Marine Management (USA), Inc. on behalf of the insurer, Mitsui Sumitomo Insurance USA, Inc., shall not be construed as binding upon Mitsui Sumitomo Marine Management (USA), Inc., but is to be binding on the undersigned insurer, Mitsui Sumitomo Insurance USA, Inc., only.

Yours very truly,

BY: Mitsui Sumitomo Marine Management (USA), Inc.



By: William Donohue, duly authorized representative of Mitsui Sumitomo Insurance USA, Inc.